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Via CM/ECF

Hon. Judge Roslynn R. Mauskopf
U.S. District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: 1:18-cv-03066-RRM-SJB Wexler v. Dorsey & Whitney, LLP et al

Dear Judge Mauskopf:

I write briefly to respond to Defendants letter requesting that in lieu of jurisdictional discovery the Court should allow Mr. Herman to file a conclusory affidavit on behalf of the LLP stating that no member has a residence in the state of Georgia. I oppose this request and ask that the court allow me to conduct narrowly tailored limited discovery directed solely to the issue of the residence of each member of the LLP. Significantly, “subject matter jurisdiction cannot be conferred by waiver, estoppel, or consent.” *Diggs v. HUD*, 670 F.3d 1353, 1355 (Fed. Cir. 2011); see also *Kruso v. Int’l Telephone & Telegraph Corp.*, 872 F.2d 1416, 1426 n.12 (9th Cir. 1989).

Respectfully,

s/ Shimshon Wexler